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Gewirth versus Kant on Kant's Maxim of Reason: Towards a Gewirthian Philosophical Anthropology

Introduction

When Alan Gewirth claims that the Principle of Generic Consistency (PGC)¹ is the supreme principle of morality because its acceptance is dialectically necessary for agents,² he assigns it the same status that Kant claims for his Categorical Imperative (KCI) – that it is a synthetic a priori principle.³ But the PGC and KCI – as Kant interprets it in his Formula of Humanity (FoH)

*So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means (Groundwork of the Metaphysics of Morals [GMM] 4:429)*⁴

are incompatible principles. This is because, unlike Kant's FoH, the PGC requires an agent (call her 'Agnes') to respect (not to interfere with and, in certain circumstances, to protect) the generic conditions of agency (GCAs) of all agents *subject to the will of the recipient agent*. The PGC *prohibits* Agnes from voluntarily damaging her own GCAs or permitting others to so harm her *only if* her doing so would damage the GCAs of *other* agents disproportionately against *their* will; whereas Kant's FoH categorically *prohibits* such actions *unless* they are necessary to protect Agnes or others from equivalent or greater harm. This difference⁵ is due to the fact that Gewirth's argument for the PGC rests on it being dialectically necessary for Agnes to accept the Principle of Hypothetical Imperatives (PHI)

If doing X or having X is necessary for Agnes to pursue/achieve her chosen purpose E, then Agnes ought to do X or pursue/defend having X, or give up E.⁶

I argue, here, that this entails that, while Gewirth and Kant share a methodology of dialectically necessary argumentation, Gewirthians must reject a number of central doctrines of Kant's transcendental philosophy. Kant holds that the dialectical necessity of free will⁷ (revealed by the dialectical necessity of the moral law, for which the existence of free will is a necessary condition – its *ratio essendi*) is the keystone that enables Agnes to be certain that agents are immortal and that God exists even though immortality and God are not objects of possible empirical knowledge.⁸ But while Gewirth and Kant agree that it is dialectically necessary for Agnes to treat her existence as an agent as the *ratio essendi* of the moral law, if it is dialectically necessary for Agnes to accept the PHI, then it cannot be dialectically necessary for her to consider the essence of agency to reside in her possession of free-will (as Kant has it), because it is then merely dialectically necessary for Agnes to hope⁹ that she has free will.¹⁰ Hence, my central claim is that Gewirth's argument for the PGC implies a different philosophical anthropology from Kant's grounded in Kant's own philosophical methodology.

I have presented elements of this argument elsewhere and previously compared Gewirth and Kant.¹¹ Here, I focus the comparison on interpretation of Kant's maxims of the common human understanding¹² because I consider that what Kant says about these principles

1 shows very clearly that his claim that KCI is a synthetic a priori proposition,¹³ i.e., that it is 'connected (completely a priori) with the concept of the will of a rational being as such',¹⁴ but 'not contained in it',¹⁵ is that its acceptance is dialectically necessary for agents;

2 reveals more clearly than elsewhere what his argument for this claim is; and

3 shows how Kant thinks that the 'power of judgment' mediates between 'understanding' and 'reason' so as to render possible the harmony between theoretical and practical reason that Kant's view of his philosophy as a system requires.¹⁶

The argument is in four Parts. Part I contends that Kant's claim that 'the maxim of reason' is derived by rendering 'the maxim of understanding' consistent with 'the maxim of the power

of judgment'¹⁷ reveals that his assertion that the moral law is given to agents as the fact of pure reason¹⁸ amounts to saying that it is required on the basis of its acceptance being dialectical necessity for Agnes (i.e., required by agential self-understanding). The maxim of reason (the acceptance of which is dialectically necessary for Agnes by the very nature of its derivation) amounts to

Act in accord with the dialectically necessary commitments of all agents
which is equivalent to

Act only on maxims when doing so is consistent with universal laws.

Part II examines how Kant and Gewirth provide this imperative, which is surely Kant's Formula of Universal Law (FUL) for KCI

[A]ct only in accordance with that maxim which you can at the same time will that it become a universal law (GMM 4:421)

with content. Kant claims that KCI is grounded in the proposition that rational nature exists as an end in itself,¹⁹ in consequence of which Agnes must consider her existence as an agent to be an end in itself.²⁰ On this basis, if (as both Kant and Gewirth hold) maxims that are dialectically necessary for Agnes to accept are necessarily universal, it is dialectically necessary for Agnes to accept Kant's FoH. In contrast, Gewirth claims that because it is dialectically for Agnes to accept the PHI, since there are GCAs, it is dialectically necessary for Agnes to accept the prescription

SROA:²¹ 'I (Agnes) ought to defend my possession of the GCAs unless I am willing to suffer generic damage to my ability to act.'

On this basis, given the universality of dialectically necessary maxims, the maxim of reason requires acceptance of the PGC.

Part III elaborates the claim that the PGC is the categorical imperative *on Kantian methodological premises*.

Part IV outlines the consequent revisions required to the Kantian transcendental project as a whole (which Kant designates as 'anthropology'²²), thereby sketching a Gewirthian philosophical anthropology.

Part I: KCI, the Maxim of Reason and Dialectical Necessity

Kant's three principles of the common human understanding (*sensus communis*) are:

1. To think for oneself; 2. To think in the position of everyone else; 3. Always to think in accord with oneself.²³

The *sensus communis* is not what the average person considers to be reasonable or correct. It represents the a priori capacity of understanding 'which is the least that can be expected from anyone who lays claim to the name of human being',²⁴ being

[a] faculty of judging that in its reflection takes account (a priori) of everyone else's way of representing in thought, in order *as it were* to hold its judgment up to human reason as a whole and thereby avoid the illusion which, from subjective private conditions that could easily be held to be objective, would have a detrimental influence on the judgment.²⁵

The first maxim is the 'maxim of the understanding, the second that of the power of judgment, the third that of reason'.²⁶ The maxim of reason is achieved 'by the combination of the first two'.²⁷ The first maxim is 'the maxim of a reason that is never *passive*';²⁸ the second reflects on one's own judgments produced by acting in accord with the first maxim 'from a *universal standpoint*'.²⁹

In representing *general* rules for the avoidance of error,³⁰ the *sensus communis* applies to all reasoning, whether theoretical, practical, or aesthetic. Applied practically, the generation of the maxim of reason surely reveals the essence of Kant's argument for KCI in the form of the FUL.

This is because the first maxim requires Agnes to subject all maxims to the scrutiny of *her own* understanding and not to accept maxims simply on the say so of others, which requires her to give at least some weight to her own personal choices, deliberative reasoning, and associated maxims. The second maxim requires Agnes to adopt any maxims required by virtue of understanding that she is *an* agent. Thus, it exhorts Agnes to adopt maxims that are dialectically necessary for her to accept, the requirements of agential self-understanding. The third maxim commands Agnes to act only in consistency with maxims that are dialectically necessary for her to accept.

I think that Kant, like internalists generally, reasons that for *Agnes* to be given a reason to act *she* must be given a reason to act *from the standpoint of the particular unique agent she is*. However, unlike Humean internalists, he infers from the observation that exercise of the power of reflective judgment requires Agnes to recognize that she cannot be the particular agent she is unless she is *an* agent (i.e., unless she possesses the powers of understanding necessarily shared by all agents) that for Agnes to think that *she* has *a* personal understanding to oppose the personal understandings of others, she must reason in terms of any maxims she is required to accept simply by virtue of understanding what it is for her to be *an* agent. Since requirements that are dialectically for Agnes to accept are generated by the idea of being *an* agent, and being *an* agent is the same for all agents, any maxim that is dialectically necessary for Agnes to accept will be dialectically necessary for every agent to accept. Hence maxims that are dialectically necessary for Agnes to accept are universal. Understanding this, consistency requires Agnes to accept the third maxim, to act in consistency with maxims that are dialectically necessary for *any* agent to accept, as itself a maxim that it is dialectically necessary for her to accept. As such, reason requires her to adopt the third maxim as the supreme *criterion* for rational action, which she cannot intelligibly do without treating it as a categorical *imperative* expressed in terms of the FUL read as

Act only on maxims that you can act on consistently with universal laws (i.e., consistently with maxims that are dialectically necessary for any agent to accept).

Kant's reasoning may also be put as follows. By virtue of being an agent, Agnes possesses the powers of self-understanding. If she uses these powers to achieve agential self-understanding then she will necessarily be presented with the concept of a categorical imperative (i.e., it is dialectically necessary for Agnes to entertain the idea of a categorical imperative). But a categorical imperative, by its very meaning, is an imperative that all her maxims must be consistent with, which entails that she must accept a categorical imperative, 'Act only on maxims that are consistent with a categorical imperative', which is equivalent to 'Act only on maxims that you can act on consistently with maxims that are dialectically necessary for you to accept'. Therefore, it is dialectically necessary for Agnes to accept the FUL.

In essence, Kant's argument is: It is dialectically necessary for Agnes to accept that the criterion for a permissible maxim is one that is consistent with a categorical imperative. To understand this, however, is to recognize that the FUL is a categorical imperative. Therefore, it is dialectically necessary for Agnes to accept that the FUL is a categorical imperative.

There is much debate on what Kant's argument for KCI is and dispute over whether or not he changed his mind about this between his *Groundwork of the Metaphysics of Morals* (*GMM*) and *Critique of Practical Reason* (*CPrR*). I believe that Kant's justification for the moral law in *GMM III* and for his contention in *CPrR* that the moral law is given to us as the fact of pure reason³¹ both involve the reasoning for the FUL just sketched. Although I cannot justify this claim fully here,³² I will indicate briefly how *CPrR* and *GMM* can be linked to the maxim of reason of *Critique of the Power of Judgment* (*CPoJ*) in this way.

In *CPrR*, after telling us that we become conscious of the moral law as soon as we draw up maxims for ourselves,³³ and that pure reason leads us from consciousness of the moral law to

the concept of free will,³⁴ Kant asks, ‘But how is consciousness of that moral law possible?’ and answers:

We can become aware of pure practical laws just as we are aware of pure theoretical principles, by attending to the necessity with which reason prescribes them to us and to the setting aside of all empirical conditions to which reason directs us. The concept of a pure will arises from the first, as consciousness of a pure understanding arises from the latter.³⁵

The key parallel statements in *GMM* are that

a human being really finds in himself a capacity by which he distinguishes himself ... even from himself insofar as he is affected by objects, and that is *reason*³⁶

and that by thinking of oneself

as an intelligence, that is, as independent of sensible impressions in the use of reason (hence as belonging to the world of understanding) ...

... [the human being perceives] that pure reason independent of sensibility gives the [moral] law.³⁷

These statements are not wholly transparent, but I contend that they should be interpreted as making the same claim because (i) it is possible to do so *and* Kant says³⁸ that *CPrR* presupposes *GMM* on the justification of the moral law; (ii) the process they refer to is plausibly that involved in generating the maxim of reason by rendering the maxim of understanding consistent with the maxim of the power of judgment;³⁹ and (iii) the three maxims of the *sensus communis* appear as fundamental principles of Kant’s philosophy before *GMM* (in *Logic*) and after *CPrR* (in *CPoJ*).

Part II: Kant vs Gewirth on the Content of the Moral Law

Whether or not I am right about this, I consider that it is in fact dialectically necessary for agents to accept the FUL on the basis that it is derived by rendering the maxim of understanding and the maxim of the power of judgment *consistent with each other*, and that this renders the FUL a categorical imperative.

I anticipate three objections to this.

- (1) Even if it is categorically imperative for agents to accept dialectically necessary maxims, these are not intrinsically universal.
- (2) Even if it is dialectical necessary to accept the FUL, this does not make it categorically binding, because Agnes will not necessarily care whether or not she complies with the requirements of agential self-understanding.
- (3) Even if the first two objections can be met, the FUL lacks content.

In essence, my response to objection (1) is that if the *ratio cognoscendi* for Agnes to accept any normative claim is that its acceptance is dialectical necessity for her, then it is dialectically necessary for Agnes to regard being *an* agent as the *ratio essendi* for the assertoric validity of the claim, which renders it dialectically necessary for Agnes to treat the dialectically necessary commitments of all agents as assertorically valid, which renders them universal.⁴⁰

Objection (2) is presented by, e.g., David Enoch.⁴¹ My short response is that Enoch mistakenly presents Kant and Gewirth as maintaining that normative claims are derived from what constitutes *being* an agent, whereas grounding them in dialectical necessary acceptance constitutes the requirement to accept them as one of agential *self-understanding*. On the latter basis, if Agnes attaches no practical significance to the FUL being dialectically necessary for her to accept, this merely means that she does not care that she categorically ought to act according to the FUL (which circumstance must be possible for it to be intelligible to say that she *ought* to comply with the FUL).

Although more needs to be said about objections (1) and (2), I will confine my attention here to how Kant and Gewirth deal with objection (3), because it is only on this and not on how to respond to objections (1) and (2) that I consider them to differ significantly.

Kant's Derivation of the FoH

Kant says that the ground of KCI is '*rational nature exists as an end in itself*'.⁴² He surely means that to act rationally (i.e., in accord with the maxim of reason, in consistency with a maxim that it is dialectically necessary for an agent to accept, i.e., in accord with the FUL) is an end in itself. He then says that the 'human being necessarily represents his own existence in this way [i.e., as an end in itself]'.⁴³ Because he argues that every rational being (human or not) must, on the basis of having to consider that it is an end in itself, consider that the *ratio essendi* for its being an end in itself is its possession of free will (which means that he claims that it is dialectically necessary for Agnes to consider that the essence of agency resides in the possession of free will), he maintains that the FoH is a formula for KCI.⁴⁴

But why must Agnes regard *her existence* as an end in itself?

Kant says that it follows from the FUL that the existence of every rational being must be 'the limiting condition of all relative and arbitrary ends'⁴⁵ because the FUL requires

that in the use of means to any end I am to limit my maxim to the condition of its universal validity for every subject [which] is tantamount to saying that the subject of ends, the rational being itself, must be made the basis of all maxims for action, never merely as a means but as the supreme limiting condition in the use of all means, that is, always at the same time as an end.⁴⁶

There is a way of interpreting this is consistent with the Gewirthian perspective (see Part III).

But Kant claims that the FoH, unlike the PGC, prescribes that

I cannot ... dispose of a human being in my own person by maiming, damaging or killing him⁴⁷

which statement Kant immediately qualifies by alluding to specific exceptions to save one's own life or the life of another that are more fully dealt with in his *Metaphysics of Morals* (*MoM*). If we interpret 'maiming, damaging, or killing' an agent as interfering with the agent's GCAs then, in Gewirthian terms, KCI amounts to

So act that you never interfere with the GCAs of any agent for any relative or arbitrary ends (i.e., as means to your chosen ends) unless to protect the GCAs of an agent.

In this way, Kant's FoH provides the maxim of reason with a content or 'matter'.⁴⁸

Gewirth's Derivation of the PGC

Assuming that dialectically necessary commitments are categorically binding, if the following three propositions are true, then the PGC is the categorical imperative.

- 1 It is dialectically necessary for Agnes to accept the PHI.
- 2 There are GCAs.
- 3 Maxims that are dialectically necessary for Agnes to accept are universal.

The demonstration of this is as follows.

1 coupled with 2 entails

- 4 It is dialectically necessary for Agnes to accept 'SROA: "I (Agnes) ought to defend my possession of the GCAs unless I (Agnes) am willing to suffer generic damage to my ability to act"' as a standard for her action.

3 coupled with 4 entails both

- 5 It is dialectically necessary for any other agent (say, Brian) to accept 'SROB: "I (Brian) ought to defend my possession of the GCAs unless I (Brian) am willing to suffer generic damage to my ability to act"' as a standard for his action

and

6 It is dialectically necessary for Agnes to accept SROB (as well as SROA) as a standard for her action, and dialectically necessary for Brian to accept SROA (as well as SROB) as a standard for his action.

And 6 is equivalent to 'It is dialectically necessary for all agents to accept the PGC'.

Part III: The PGC is the Moral Law on Kantian Methodological Premises

Because the PGC is the universalization of SROA (the PHI given content by the GCAs), it does not prohibit Agnes from 'maiming, damaging, or killing' herself, if she does so voluntarily and by so doing does not disproportionately threaten or damage the GCAs of other agents against their will. Thus, if Agnes's humanity consists of her material existence as an agent then the PGC does not require Agnes to treat her own humanity as an end in itself. It permits, indeed, requires her (*ceteris paribus*) to treat her own humanity as a means to her own voluntarily chosen ends. On the other hand, if to respect her own humanity is to respect herself as a chooser of ends, then, while she may not treat the humanity of *others* merely as a means, it makes no sense to say that she may not treat *her own* humanity merely as a means because it is *impossible* for her *in acting* to treat her own humanity *merely* as a means. If in treating herself as a means she is acting, she *voluntarily* treats herself as a means, so treats herself as an end *as well as* a means.

Furthermore, if acceptance of the PHI is dialectically necessary for Agnes, then it is a categorical imperative on *Kant's view* about the nature of such an imperative.⁴⁹ But Kant recognizes that there can be only one categorical imperative.⁵⁰ Consequently, all formulae for the categorical imperative must be consistent with each other and with the PHI. Therefore, Kant's FoH cannot be a formula for KCI. Christine Korsgaard⁵¹ cannot be right that the PHI is merely that aspect of KCI that tells us how to be effective agents. The dialectical necessity of acceptance of the PHI necessarily affects the content of KCI, because no formula for KCI can then be incompatible with the universalization of SROA, which (prior to universalization) only requires Agnes to defend her existence as an agent *if she is unwilling to suffer generic damage to her ability to act*. Gewirthians can agree that it is dialectically necessary for Agnes to make being an agent the supreme limiting condition in the use of all means, but only if this signifies that Agnes must regard being an agent as the *ratio essendi* for her (and others') dialectically necessary commitments. Any further inference depends on what her dialectically necessary commitments are, and given that the dialectical necessity of acceptance of the PHI entails that her dialectically necessary commitment is to SROA, *not* to 'Agnes ought to defend her GCAs *whether or not she is willing to suffer generic damage to her ability to act*' (as Kant maintains), making being an agent the supreme limiting condition in the use of all means requires Agnes to grant every agent a *prima facie* right to determine what may be done with the agent's own GCAs. It does not require Agnes to recognize any perfect duty *to herself* to defend her material existence as an agent.

Part IV: Gewirthian Revisions to the Kantian Transcendental Project

However, the dialectical necessity of acceptance of the PHI does not merely require KCI/the FUL to be interpreted in accordance with the PGC rather than Kant's FoH: it requires rejection of the following inter-linked Kantian doctrines.

A. The moral law is a law of nature for a being with free will unaffected by heteronomous incentives, and an imperative only for beings with free will affected by heteronomous incentives⁵² – which implies that KCI cannot apply to all rational beings with a will.

B. The aspect of self-understanding by which Agnes distinguishes herself from herself insofar as she is affected by heteronomous incentives (per *CPoJ*, the reflective power of judgment), reveals her 'proper' self as against merely 'the appearance' of herself.⁵³

C. Agnes's 'proper' self, '*homo noumenon*', gives the moral law to her human self – the mere appearance of herself – '*homo phaenomenon*'.⁵⁴

D. An agent per se is *homo noumenon*, a being having free will unaffected by heteronomous incentives (implying that the maxim of understanding and the maxim of the power of judgment are rendered consistent with each other *by subordinating the former to the latter*).

E. The moral law and free will are reciprocal⁵⁵ in that the dialectical necessity of acceptance of the moral law is the *ratio cognoscendi* for free will correlative to free will being the *ratio essendi* of the moral law.⁵⁶

F. The dialectical necessity of acceptance of free will renders acceptance of God's existence and the immortality of agents dialectically necessary.⁵⁷

The narrative connecting these propositions runs something like this. In thinking that empirical knowledge is possible Agnes presupposes that every event has a cause;⁵⁸ but she must also believe that her will is free because her possession of free will is necessary for her to be bound by the moral law.⁵⁹ If agents have free will then they are responsible for their actions⁶⁰ so ought to receive happiness in proportion to the degree to which they act out of respect for the moral law (which realized state of affairs is the *summum bonum*). But for the *summum bonum* to be possible, for agents to be able to *hope* that the *summum bonum* will be realized, they must be immortal and God must exist. Therefore, the dialectical necessity of acceptance of free will renders belief (faith) in God and immortality dialectically necessary.⁶¹ While actions cannot be products of free will and natural causes in the same aspect,⁶² this yields no contradiction because what Agnes does is only an event subject to the law of nature insofar as it is an object of sense experience, while anything she does as an exercise of her free will is not such an event.⁶³ While Agnes's perception that she is part of a world that she can know through sense-experience threatens the idea that she has any significance as an end in herself by positing her extinction and an ultimately purposeless cosmos, being subject to the moral law promises that she has such significance by positing her immortality and God's existence.⁶⁴ But this threat and this promise do not carry equal weight. Pure practical reason takes priority over pure theoretical reason⁶⁵ because the maxim of reason requires Agnes to subordinate herself as *homo phaenomenon* to herself as *homo noumenon*. Consequently, Agnes ought to be certain that God exists and that her continued existence does not depend on her material existence.

This narrative, quite apart from considerations to do with the dialectical necessity of acceptance of the PHI, is extremely problematic. For example, it is questionable that adherence to a categorical imperative requires Agnes to believe that she has free will as against merely not believing that she does not;⁶⁶ and also questionable that postulation by the moral law of the *summum bonum* and hope that all agents will enjoy happiness in proportion to their virtue requires belief that God exists and that agents are immortal, as against merely not believing that God does not exist, etc., and hoping that God exists, etc.⁶⁷ The existence of a categorical imperative does, I think, postulate that agents ought to enjoy happiness in proportion to their virtue. But the fact that they will not necessarily be able to enjoy such happiness unless God exists, etc., only requires belief that God ought to exist, which requires no more than leaving it open that God might exist. And, conversely, the existence of an omnipotent wholly good God (the only being that Kant will recognize as God), surely implies that agents *necessarily will* enjoy happiness in proportion to their virtue, and not merely that they *might* enjoy such happiness, so it is untenable to assign a different epistemic status to the *summum bonum* from that accorded to the existence of free will, immortality, and God.⁶⁸

Furthermore, can the moral law really apply to beings with free will unaffected by heteronomous incentives as a natural law and to those who are affected by such incentives as a categorical imperative? There are several problems here. For example, if immortality is postulated by the moral law through free will then there is no sense in an imperative that

prohibits self-destruction, for self-destruction must be thought to be impossible. It is also difficult to see how a law that governs beings constituted in abstraction *from heteronomy* can be a law of non-natural causality of the behaviour of *heteronomously constituted* beings. As Bernard Williams says, one cannot be a rational agent and no more.⁶⁹ So, while Agnes cannot be the particular agent that she is without being *an* agent – which I do not think Williams takes adequate account of⁷⁰ – *she* also (as Williams insists) cannot be *an* agent without being the particular agent she is, and she cannot be *a particular* agent without possessing heteronomous properties. Therefore, Kant has difficulty explaining how the ideas of free will and natural causality can apply to the same being. Also, according to Kant, free will is postulated by pure practical reason (the maxim of reason, the faculty of desire). But having *homo noumenon* give the law to *homo phaenomenon* renders free will essentially a postulate of the reflective power of judgment, and only derivatively one of practical reason. This is because negative freedom (absence of heteronomy) is postulated by the power of judgment, while positive freedom (viewed as the *ratio essendi* for the moral law *qua* a law of nature for non-heteronomously affected beings) is generated purely by consistency with negative freedom.

Anyway, the dialectical necessity of acceptance of the PHI renders Kant's picture incoherent because it entails that a *normatively meaningful* abstraction from Agnes's particular self cannot be a conceptual construct that depicts being an agent as something free of all heteronomous qualities. This implies that

- (a) the moral law can exist only in the form of a categorical imperative;
- (b) the maxim of reason is a *synthesis* of the maxim of understanding and the maxim of the power of judgment. Agential self-understanding requires the *unity* of theoretical and practical reason, not the priority of practical reason over theoretical reason,⁷¹ unless such priority signifies merely that all a priori rules of understanding/judgment/reason are ultimately rules of agential self-understanding. However, because Agnes cannot be free and determined in the same aspect, *unity* between theoretical and practical reason can only be achieved by suspension of belief in both free will and determinism. Consequently Agnes may and must entertain only the possibility that she has free will;
- (c) being *an* agent, the *ratio essendi* for the moral law is not having free will in abstraction from having heteronomous incentives, but combining in one's person the heteronomous incentives one has as a particular agent in a particular context with the universal power for choice inherent in all agents. Agnes's agency as the *ratio essendi* for the PGC is a universal *relation* not a universal *property*, the *relation* between Agnes's heteronomy and her possession of the power of choice, which is the same *relation* as that between Brian's heteronomy and his possession of the power of choice;
- (d) because the same epistemic status must be given to all the ideas linked to the idea of free will, agents may (and must) only hope that God exists and that they are immortal.

Kant's transcendental philosophy is premised, I think correctly, on the view that Agnes cannot know with certainty that there is a world that exists independently of her senses, only that if there is such a world then every sensible event must have a cause. That she is presented with the idea of a world that exists independently of her senses at all derives from her experience that she is not able to predict or will all her experience, and in this experience she views herself as *something* independent of what she experiences. However, as Fichte maintains,⁷² the ideas of I and not-I are inseparable in this experience. Agnes cannot think of herself as a distinct individual without having the idea of something that is not herself and vice versa. Furthermore, self-reflection also tells her that she cannot be certain that there is anything at all beyond her experience, and the existence of an external world cannot be assessed in probabilistic terms either. Consequently, her powers of pure self-understanding alone cannot secure anything epistemically beyond what is involved in understanding self-

understanding.⁷³ So, Agnes can ascribe certainty only to what she *must* believe in order for self-understanding to be possible for her, which is no more than what she must accept in order to be able to ask questions, to have ideas, etc. Consequently, pure reason places her inescapably in a state of hoping/fearing in relation to all metaphysical matters.

As such, Kant's philosophy is neither a form of metaphysical idealism nor a form of metaphysical realism, but a 'transcendental phenomenology'⁷⁴ that requires dubiety on all metaphysical matters and confines *theoretical certainties* to rules governing the operation of the intelligent mind. But, I contend, it is Gewirth, not Kant, who works this out correctly in relation to practical reason.

Concluding Remarks

The Gewirthian anthropology I have presented is merely a sketch, and some will question my characterization of Kant's position. However, if the PHI is dialectically necessary and dialectically necessary commitments are universal, then Kantians as well as Gewirthians must accept that the PGC is the supreme principle of practical reason and ought to adopt the philosophical anthropology that this entails.⁷⁵

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¹ The PGC requires agents (beings with the capacity and disposition to pursue purposes voluntarily) to act in accord with rights to generic conditions of agency (GCAs), which are necessary means for action and successful action, regardless of the purposes involved. For more on the GCAs see A. Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1978), Chapter 2.

² To say that the PGC is dialectically necessary for agents to accept is to say that if an agent does not accept the PGC the agent fails to understand what it is to be an agent, and implicitly denies being an agent.

³ See D. Beyleveld, 'Gewirth and Kant on Justifying the Supreme Principle of Morality', in M. Boylan (ed), *Gewirth: Critical Essays on Action, Rationality, and Community*. (Maryland: Rowman and Littlefield, 1999), pp. 97–117; D. Beyleveld, 'Korsgaard v Gewirth on Universalization: Why Gewirthians are Kantians and Kantians Ought to be Gewirthians' *Journal of Moral Philosophy* Fast Track Article 24pp. DOI 10.1163/17455243-4681026. Pdf available at <http://dro.dur.ac.uk/10855/1/10855.pdf?DDC72+DDC71+DDD19+dul4eg>. Also <http://booksandjournals.brillonline.com/content/journals/10.1163/17455243-4681026?showFullText=pdf> (accessed 3 August 2015).

⁴ In quoting works from Kant, references to the *Critique of Pure Reason* (CPuR) are given with the A/B-references to the first/second edition. Other works (giving its title/abbreviation) are referred to on the basis of the Academy edition of the *Gesammelte Schriften*, stating volume and page number. Translations are given according to P. Guyer and A. Wood (eds), *Cambridge Edition of the Works of Immanuel Kant* (Cambridge: Cambridge University Press, 1995sq).

⁵ See Beyleveld, 'Korsgaard v Gewirth on Universalization'.

⁶ Kant claims that the proposition

Whoever wills the end also wills (insofar as reason has decisive influence on his actions) the indispensably necessary means to it that are within his power (*GMM* 4:417)

is analytic. This proposition is not the PHI but a statement of what acting in accord with an hypothetical imperative involves. While 'Acceptance of the PHI is dialectically necessary' is analytic, the PHI itself is not analytic.

⁷ In Kantian terms, 'Agents have free will' is a synthetic a priori proposition.

⁸ See *Critique of Practical Reason* (CPrR) 5:3–4.

⁹ 'A hopes that X' means 'A has a pro-attitude towards X and (with X in mind) neither believes that X is the case nor that X is not the case'; and 'A fears that X' means 'A hopes that not-X'. See D. Beyleveld, 'Hope and Belief', in R. J. Jenkins and E. Sullivan (eds), *Philosophy of Mind*. (New York: Nova Science Publishers Inc., 2012), pp.1–36.

¹⁰ See Beyleveld, 'Hope and Belief'; D. Beyleveld and P. Ziche, 'Towards a Kantian Transcendental Phenomenology of Hope.' *Ethical Theory and Moral Practice*, Vol. 4. (2015) DOI 10.1007/s10677-015-9564-. <http://link.springer.com/article/10.1007/s10677-015-9564-x> (accessed 25 August 2015).

¹¹ For example: Beyleveld, 'Gewirth and Kant on Justifying the Supreme Principle of Morality'; D. Beyleveld and R. Brownsword, *Human Dignity in Bioethics and Biolaw* (Oxford: Oxford University Press, 2001), Chapter 5; Beyleveld, 'Korsgaard v Gewirth on Universalization'.

¹² See *Logic* 9:57 and *Critique of the Power of Judgment* (CPoJ) 5:294.

¹³ E.g., *GMM* 4:420; *CPrR* 5:31.

¹⁴ *GMM* 4:426.

¹⁵ *GMM* 4:420.

¹⁶ According to Kant, the human mind has three faculties: cognition, feeling, and desire. Cognition has three sub-faculties: understanding, power of judgment, and reason, each 'containing' a 'constitutive' a priori principle and sphere of application corresponding to a specific faculty of the mind. 'Understanding' characterizes the faculty of cognition via a principle of lawfulness applied to nature; the power of judgment ('independent of

concepts and sensations that are related to the determination of the faculty of desire' (*CPoJ* 5:196–7)) characterizes the faculty of feeling via a principle of purposiveness applied to the experience of beauty and special laws dealing with natural things and events; while 'reason' constitutes the faculty of desire via a principle of the final end applied to freedom (see 5:196–8).

Kant argues that harmony between theoretical and practical reason is only possible under the concept of a purposiveness of nature, and that the power of (reflective) judgment requires an agent to represent nature as organized in accordance with the purposes of an intelligent cause (God) (*CPoJ* 5:397–404).

¹⁷ *CPoJ* 5:295.

¹⁸ *CPrR* 5:31.

¹⁹ See *GMM* 4:428–9.

²⁰ See *GMM* 4:429; 437–8.

²¹ 'SROA' stands for 'self-referring "ought"' with Agnes as its subject'.

²² Kant says that the field of philosophy may be summed up in the following questions:

1) *What can I know?* –

2) *What ought I to do?*

3) *What may I hope?*

4) *What is man?*

Metaphysics answers the first question, *morals* the second, *religion* the third, and *anthropology* the fourth. Fundamentally, however, we could reckon all of this as anthropology, because the first three questions relate to the last one. (*Logic* 9:25; compare *CPuR* A804–5/B832–3)

²³ *CPoJ* 5:294. In *Logic* they are termed 'general rules and conditions for avoiding error' and as '(1) to think (by) oneself, (2) to think in the place of another, and (3) to think consistently with oneself.' (9:57).

²⁴ *CPoJ* 5:293.

²⁵ 5:293. Although Kant is respectful of insights the 'common man' *can* achieve, he is scathing about making insights the common man *happens to* achieve the final court of judgment in philosophical matters. (see, e.g., *GMM* 4:409).

²⁶ *CPoJ* 5:295.

²⁷ 5:295.

²⁸ *CPoJ* 5:294.

²⁹ *CPoJ* 5:295.

³⁰ See note 22 above.

³¹ See 5:31.

³² I hope to provide it in a future paper.

³³ See 5:29.

³⁴ See 5:30.

³⁵ 5:30.

³⁶ *GMM* 4:452.

³⁷ *GMM* 4:457.

³⁸ *CPrR* 5:8.

³⁹ Kant sometimes uses 'understanding' and 'reason' interchangeably to cover all the faculties of the mind, not always in the way stated in note 16 above. This means that Kant's failure to deploy the power of judgment explicitly in *GMM* and *CPrR* is not an insuperable obstacle to my interpretation.

⁴⁰ See D. Beyleveld, 'Williams' False Dilemma: How to Give Categorical Binding Impartial Reasons to Real Agents', *Journal of Moral Philosophy* 10 (2013) pp. 204–26 and 'Korsgaard v Gewirth on Universalization'. See also, e.g., Gewirth, 'Reason and Morality', p. 110; D. Beyleveld, *The Dialectical Necessity of Morality: An Analysis and Defense of Alan Gewirth's Argument to the Principle of Generic Consistency*. (Chicago: University of Chicago Press, 1991), Chapter 8, especially pp. 288–300; D. Beyleveld and G. Bos, 'The Foundational Role of the Principle of Instrumental Reason in Gewirth's Argument for the Principle of Generic Consistency: A Response to Andrew Chitty', *King's Law Journal* 20 (2009), pp. 1–20.

⁴¹ D. Enoch, 'Agency, Shmagency: Why Normativity Won't Come from What is Constitutive of Action', *Philosophical Review* 115 (2006) pp. 169–98.

⁴² *GMM* 4:428–9.

⁴³ *GMM* 4:429.

⁴⁴ See *GMM* 4:429.

⁴⁵ *GMM* 4:436.

⁴⁶ *GMM* 4:438.

⁴⁷ *GMM* 4:429.

⁴⁸ GMM 4:436.

⁴⁹ That it is a categorical imperative is accepted by Kantians like C. Korsgaard, *The Constitution of Agency: Essays on Practical Reason and Moral Psychology*. (Oxford: Oxford University Press, 2008), p. 68, and J. Hampton, *The Authority of Reason*. (Cambridge: Cambridge University Press, 1998), p. 140 note 2.

⁵⁰ E.g., GMM 4:421.

⁵¹ Korsgaard, *The Constitution of Agency*, p. 68.

⁵² E.g., GMM 4:454; CPrR 5:32.

⁵³ See GMM 4:457.

⁵⁴ 6:239; 335. Kant does claim that *homo noumenon* and *homo phaenomenon* do not refer to two substances, but to different aspects of Agnes. But to hold this consistently he must relate the maxims of understanding and the power of judgment to each other in a Gewirthian manner (see below).

⁵⁵ See, e.g., GMM 4:447; CPrR 5:29.

⁵⁶ See CPrR 5:4.

⁵⁷ See CPrR 5:4–5.

⁵⁸ See CPuR.

⁵⁹ See CPrR 5:4.

⁶⁰ See CPrR 5:30.

⁶¹ See, e.g., the Canon of Pure Reason in CPuR; CPrR 5:122–33; CPoJ 5:442–84.

⁶² See, e.g., GMM 4:455–6,

⁶³ See, e.g., GMM 4:457.

⁶⁴ See CPrR 5:161–2.

⁶⁵ See CPrR 5:119–21.

⁶⁶ See, e.g., Beyleveld, ‘Hope and Belief’.

⁶⁷ See Beyleveld, ‘Hope and Belief’.

⁶⁸ See, e.g., Beyleveld and Ziche, ‘Towards a Kantian Transcendental Phenomenology of Hope’.

⁶⁹ See B. Williams, *Ethics and the Limits of Philosophy*. (Cambridge, Mass: Harvard University Press, 1985), p. 63.

⁷⁰ See Beyleveld, ‘Williams’ False Dilemma’.

⁷¹ It is only because Kant holds that Agnes is categorically required to believe that she has free will that he has to subordinate the maxim of understanding to the maxim of the power of judgment.

⁷² J. G. Fichte, Johann Gottlieb, *Foundations of Natural Right*. M. Baur (trans), F. Neuhouser (ed), (Cambridge: Cambridge University Press, 2000).

⁷³ In D. Beyleveld and S. Pattinson, ‘Defending Moral Precaution as a Solution to the Problem of Other Minds: a Reply to Holm and Coggon’, *Ratio Juris* 23 (2010) pp. 258–73, note 3, it is suggested that precautionary reasoning to avoid violating the PGC requires Agnes to presume that there is a world that exists independently of her senses. As Kant might say, it is ‘morally certain’ that such a world exists even though it is merely possible *theoretically* that it does. But the only significance of this is that Agnes may not evade being categorically bound to treat apparent agents as agents (i.e., in accord with the PGC) on the basis of the speculative possibility that they do not really exist. Parallel reasoning does not require Agnes to act as though God exists (as though she believes that God exists) because there is no way in which her actions can affect God’s existence if God exists, but they can affect the existence of other agents if they exist.

⁷⁴ See Beyleveld and Ziche, ‘Towards a Kantian Transcendental Phenomenology of Hope’ and compare ‘a priori psychology’ per W. Waxman, *Kant’s Anatomy of the Intelligent Mind*. (Oxford: Oxford University Press, 2014).

⁷⁵ While much of what Kant says about hope in CPoJ points to the Gewirthian anthropology I have outlined, Kant doggedly hangs on to ‘faith’ (rather than ‘hope’) as the propositional attitude that it is appropriate to have towards the ideas, apart from the *summum bonum*, that he connects with free will. See Beyleveld and Ziche, ‘Towards a Kantian Transcendental Phenomenology of Hope’.